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EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW

New Delhi, the 2nd January 1954

The following Act of Parliament received the assent of the President on the 1st January, 1954 and is hereby published for general information:—

THE PREVENTION OF DISQUALIFICATION (PARLIAMENT AND PART C STATES LEGISLATURES) ACT, 1953

No. 1 OF 1954

[1st January, 1954]

An Act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of Parliament or, as the case may be, the Legislative Assembly of any Part C State.

WHEREAS doubts have arisen as to whether certain offices are offices of profit under the Government;

AND WHEREAS it is expedient to declare that such offices should not, under certain conditions, disqualify, or be deemed to have disqualifed, the holders thereof for being chosen as, or for being, members of Parliament or, as the case may be, the Legislative Assembly of any Part C State;

BE it, therefore, enacted by Parliament as follows:—

1. Short title.—This Act may be called the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Committee" means any committee, commission, council, board or any other body of persons, whether a statutory body or not, set up by the Government;

(b) "compensatory allowance" means such sum of money as the Government may determine as being payable to the Chairman or any other member of a Committee by way of travelling allowance, daily allowance, conveyance allowance or house rent allowance for the purpose of enabling the Chairman or other member to recoup any expenditure incurred by him in attending any meeting of a Committee or performing any other functions as a member of a Committee.

Explanation.—For the purposes of this clause, "daily allowance" means an allowance which shall not,—

(i) in the case of a member of either House of Parliament, when that House is sitting, exceed forty rupees per day; and

(ii) in any other case, exceed twenty rupees per day;

(c) "statutory body" means any corporation, board, company, society or any other body of persons, whether incorporated or not, established, registered or formed by or under any law for the time being in force or exercising powers and functions under any such law.

3. Removal and prevention of disqualification for membership of Parliament in certain cases.—It is hereby declared that the following offices shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of Parliament,—

(a) the offices of Chairman and member of a Committee set up for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter:

Provided that the holder of any such office is not in receipt of, or entitled to, any fee or remuneration other than compensatory allowance;

(b) the offices of the Vice-Chancellors of Universities;

(c) the offices of the Deputy Chief Whips in Parliament;

(d) the offices held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (XXXI of 1948), and in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (LVI of 1948).

4. Temporary removal of disqualification for membership of Parliament in certain other cases.—It is hereby further declared that the following offices shall be deemed never to have disqualified, and shall not, if held for any period not extending beyond the 30th day of April, 1954, disqualify, the holders thereof for being chosen as, or for being, members of Parliament,—

(a) the offices of Chairman and member of a Committee other than any such Committee as is referred to in clause (a) of section 3;

(b) the offices of Chairman, director, member and officer of a statutory body, where the power to make any appointment to any such office or the power to remove any person therefrom is vested in the Government.

5. Application of Act to Part C States Legislatures.—For the removal of doubts, it is hereby declared that this Act shall apply to members of the Legislative Assemblies of Part C States as they apply to members of Parliament, subject, however, to the modification that in respect of a member of the Legislative Assembly of a Part C State, daily allowance shall in no case exceed twenty rupees per day.

—
K. V. K. SUNDARAM,
Secy. to the Govt. of India.

